

Approved For Release 2003/03/06 : CIA-RDP80B01676R000100060005-2

DEPARTMENT OF STATE

THE DIRECTOR OF INTELLIGENCE AND RESEARCH

WASHINGTON

66-23-1

AR-SC-03517-66

Honorable  
 David Helms,  
 Director, Central Intelligence Agency

Dear Dick:

You are probably aware, top Department officials, including Governor  
 DeLoach, have for some time been asking for an assessment of the credi-  
 bility of North Vietnamese allegations that US bombers have struck purely  
 civilian targets in the North, thereby perpetrating "war crimes" against  
 the Vietnamese people. If Hanoi decides to try the imprisoned American  
 pilots, these "crimes" undoubtedly will form the major part of Hanoi's  
 case. In any event, the recently established Hanoi "war crimes" com-  
 mission plans to release periodic reports after gathering evidence, and  
 those allegations will receive broad coverage at the mock war crimes trial  
 to be held in Paris in November.

Over the past few months, several offices have been asked to provide an evaluation of Hanoi's  
 charges -- JCS through Mr. McLaughlin, ourselves, the Legal Adviser and,  
 from time to time, offices in CIA and DIA. I am afraid this may result  
 in a multitude of reports, each prepared on the basis of only part of the  
 evidence. So far, very little actually has been produced, and there is  
 growing impatience here.

There has been one joint study which dealt with a selection of specific  
 allegations: an ad hoc CIA-DIA group, with INR's assistance, issued a  
 report in November 1965. However, its high classification, the short dead-  
 line under which it was prepared, and the relatively few allegations  
 examined in depth all made this particular report of limited usefulness,  
 particularly in the present "war crimes" context.

I believe it is essential that the resources of all relevant agencies be  
 brought to bear on the problem and that a report be issued examining all  
 North Vietnamese charges. Moreover, arrangements should be made to study  
 the allegations on a continuing basis, perhaps in conjunction with the  
 joint CIA-DIA monthly appraisal of US strikes against North Vietnam. An  
 example of the woeful lack of such arrangements is the current handling of  
 the August 2 bombing of Haiphong. We are still awaiting photographic con-  
 firmation or refutation of the North Vietnamese claim, supported by several  
 journalists and a French diplomatic witness, that a number of civilian  
 districts outside the POL Storage Area were badly damaged in the strike.

State Dept. review completed

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While it would be useful, but not vital, to generalize about possible civilian casualties, it is imperative that the report should examine each North Vietnamese allegation individually. I have enclosed a selection of Hanoi's major statements which could be the basis for a first cut at the problem. Perhaps [redacted] could also be charged with providing a list of those allegations which have been reported to the International Control Commission. The analysts should examine the credibility of these charges against all relevant sources of intelligence, including intercepted letters, foreign witnesses, North Vietnamese photography and, of course, US pre- and post-strike photographs. US photography outside the immediate target area must be examined, since Hanoi's complaints often relate to such accidental destruction and the Department must know if there is any clear confirmation or refutation. The discussion should also investigate possible co-location of civilian and military installations. In addition, the evidence Hanoi has marshalled to support its claim should be analyzed. For example, the North Vietnamese have circulated pre- and post-strike ground photographs of the Thanh Hoa installation which they say was a TB sanitarium; they apparently do not have proof that it was marked with a cross on the roof, since US post-strike photographs indicate that the roof bearing the cross was destroyed in the strike. 25X1

Naturally, INR is prepared to assist in any way it is able.

With best wishes.

Sincerely,

T.L.H.

Thomas L. Hughes

Enclosure:

As stated.

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